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TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 4, 2009**

Present: Commissioners Lythgoe, Weber and Kirsch; Harold Stepper and Mike Hoffman, County Planners; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Larry Trettin, Ken Vivrette, Lanning Trueb, Tony Prothero, Jeff Gerth, Jim and Mary Fried, John and Sue Pullman, Bill and Tamara Pullman

MINUTES

Commissioner Weber moved to adopt the minutes of July 7. Commissioner Kirsch seconded. The motion carried.

REPORTS

Commissioner Lythgoe noted the receipt of June cash report from the Treasurer.

CORRESPONDENCE

Commissioner Lythgoe noted the receipt of the Medicaid match funds contract for Center for Mental Health. The amount is based on population and is \$11,256 this fiscal year. Commissioner Weber moved that Commissioner Lythgoe sign the agreement with DPHHS. Commissioner Kirsch seconded. The motion carried.

CALENDAR REVIEW

8/6 Meeting with Ed Betka – 9:00

COMMISSION REPORTS

August 4, 2009 minutes.wpd

BUDGET MEETINGS

Commissioner Lythgoe reported that the Commissioners met with all department heads the previous Monday, Tuesday and Wednesday to discuss budgets. Bonnie is currently working up the numbers. We really won't know anything budget-wise until the end of August or first of September, due to the Department of Revenue delaying mill levy information until the end of August. Normally we adopt our budget the first week in September, but this year it could be the last week in September, because of what isn't coming out of the Department of Revenue.

MAYOR CRAFT

Commissioner Weber reported that he attended the funeral of DD Craft, Boulder Mayor, on Wednesday. The funeral was very well attended.

CATARACT CREEK

Commissioner Weber reported that on Thursday he went with Melissa up Cataract Creek Road. They are trying to determine what roads the Forest Service is closing for a mine cleanup. He noted that they also had a complaint that the road was sloughing off on a steep embankment and a washed out culvert. He was able to view those and will talk to Joe about this. He stated that this just underlines the importance of the Schedule A agreement with the Forest Service.

JOBS PROGRAM

Commissioner Kirsch reported that he met with Sheila Hogan on Wednesday to discuss a stimulus program that provides wages for low income married couples or single parent for six months.

AREA IV AGENCY ON AGING

Commissioner Kirsch reported that on the 30th he went to Augusta for an Area IV on Aging meeting. He stated that the meeting was very interesting and enlightening.

SUBDIVISION REVIEW

REQUEST FOR VARIANCE TO ROAD DESIGN ON MARTINEZ GULCH ROAD, 5x8 MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report. It is impossible to build the road as designed. Harold reviewed the requested variances and recommended that the Commission grant the variances to the road design for Martinez Gulch Road.

Commissioner Weber asked if we have a stamped, engineered design on this road. Harold stated that we do.

Commissioner Lythgoe asked about the six-inch deep ditch for drainage – where is this located and will it be able to handle anything. Harold stated that there are several cross-drainage higher up the road that will divert most of the water. The area where they propose the 6-inch ditch is where the telephone pole is practically on the road.

Commissioner Lythgoe asked Tony if it is truly just six inches or will it be deeper with the added

material on the road. Tony said that with the road material, it will actually be about a foot deep.

Commissioner Kirsch asked if the fire department has been up the road. Tony stated that they actually have a fill site on the road. Commissioner Kirsch asked if they are okay with the 12.3 grade. Tony said he isn't aware if they have reviewed the plan yet, but they are very familiar with the existing road.

Commissioner Lythgoe said that he lives up there, and he knows that they have fought fire further up the road, so they can access. Tony said that the improvements will make it much easier to access and maintain the road, especially in the winter. Commissioner Weber said that he hesitates at the 12.3 and 11.3, and asked if there is any way to get them under 11%. Tony said that he has looked at both of those areas, trying to get them below 11. When you lower the road that much, you affect the vegetative slopes so much that you end up with a huge scar on the mountainside. Commissioner Lythgoe asked the location of the steeper grades. Tony said that it is by Sandy Mack's home. At another of the steeper areas, a homeowner has a drain field right at the edge of the road easement. Commissioner Lythgoe stated that this road was built long before any of them were Commissioners and now they have to look at the road under the current standards. Commissioner Weber asked if these areas are past the 5x8 minor, why they are asking for variances. Harold stated that these are for Martinez Gulch Road. The connection to the 5x8 subdivision is that it was a condition of approval that something needed to be done with Martinez Gulch.

Commissioner Weber asked where we are in the process of the RID. Commissioner Lythgoe said that he isn't sure; where they should be is in the bid process, but he is not sure. Tony said that the project has not been advertised for bid yet. They are waiting for a decision from the Commission on the variances, before they advertise the bid. Commissioner Weber said that the problem he has is that they advertised and approved a RID at a certain level of construction and he is hesitant to change those standards without legal advice. Lanning asked exactly what aspect within the RID has been changed. Commissioner Weber said that at the time the RID was created the first set of variances had been granted.

Ken Vivrette asked if the resolution creating the RID is vague enough. Commissioner Lythgoe stated that he is guessing that the resolution doesn't touch on the variances, just that the roads will be brought up to county road standards. Harold stated that the only thing that he can see in there is the mention of maintenance, nothing related to road standards. The resolution mainly addresses the financing of the district. Commissioner Lythgoe asked if there is any more discussion relating to this. Commissioner Weber wanted to reiterate that he would like legal to look at this. Commissioner Lythgoe stated that he thinks that they could act on a motion contingent on legal looking at this and making sure that it is appropriate in regards to the resolution that has been adopted.

Lanning said that he was involved in drafting the resolution. He read the portion of the resolution that outlined the work to be done as follows: "The general character of the Improvements includes design, engineering, construction, reconstruction, including shaping and base course reconstruction, of Martinez Gulch Road, drainage improvements, and applying a hard surfacing to

consist of a double shot chip seal.” Commissioner Weber said that he is a little more comfortable with that.

Commissioner Weber moved to grant the additional variance to road designs to Martinez Gulch road contingent upon review of legal council regarding changes to the RID. Commissioner Lythgoe seconded. The motion carried.

FINAL PLAT REVIEW – TRETTIN MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this 5-lot minor subdivision located north-east of Montana City. The parcel contains 10.05 acres and is proposed to be split into five lots ranging in size from 2.00 to 2.05 acres. The developer has proposed a \$500.00 per lot donation to the Montana City Elementary School District upon the sale of each lot and will make a cash-in-lieu of an expandable water supply payment in the amount of \$1,376.55 to the Montana City Volunteer Fire District.

Mike recommended that final plat approval be granted.

Ken Vivrette stated that he did subdivisions that surround this subdivision. He would like to start by saying that he is a proponent of this subdivision, but he has several comments. Ken said that at the Planning Board meeting Larry Trettin agreed to join the existing homeowner’s association to cover Angel Lane and Faith Lane. His subdivision is divided in half and Angel Lane accesses one half and Faith Lane the other. Ken noted that Condition of Approval #7 states: “The developer has also agreed to join the Homeowner’s Association Road Maintenance Agreement between the Elkhorn Hills and Microwave Heights minor subdivisions, which contain provisions for maintenance of existing road easements, prior to Final Plat approval.” The only mention of any maintenance or agreement is in section 4 of his covenants which state that “Wonder Road and Microwave Hill Road are county-maintained roads and all of the roads within the subdivision will be maintained by the homeowners that use said roads.” Ken noted that this does not deal with Angel Lane or Faith Lane. Also, there is no mention of road maintenance or weed control in the by-laws. The road maintenance agreement that is in place covers only half of the road now, and those are written in the by-laws of both the Fenske Minor and Microwave Heights subdivision which border this subdivision.

Commissioner Weber asked, for clarification, that in the plat agreement they agree to join the Microwave Heights and Elkhorn Hills road association, but in the by-laws it is not mentioned. Ken stated that this is correct. Ken said that he is trying to head off problems to future homeowners who move into the area and immediately get into a fight about only maintaining half the road. If everyone has to come together as one subdivision and take care of these roads, it would solve a lot of problems.

Ken stated that he is actually there representing Kathleen Tomaski, one of the homeowners that is affected by this road’s use. She has areas where all of the native grasses were taken off of her property, approximately 10,000 square feet. In the Conditions of Approval it states that the developer has agreed to repair any damages to surfaces on Faith Lane. Ken stated that at this time they aren’t just talking about re-vegetation, but also weed spraying. He went through a lot of

effort when he did these two subdivisions, he worked with Harold Stepper pretty closely on them, he has a really good format for a good homeowner's association for the roads, he has good by-laws and additional covenants that cover roads.

Commissioner Weber asked for clarification of 10,000-feet on the Tomaski property. Mr. Trettin has agreed in his plat to repair any damage that his work does to those road surfaces; he asked Ken if he is contending beyond the road surfaces the need to weed spray and repair damage. Ken answered that this is correct. After the road surfaces were done there are coulees and then it got up into both subdivisions' properties to get everything blended and smoothed out. Ken would like to see a subdivision improvement agreement – all subdivisions in the area should have the same covenants, road maintenance agreements, etc.

Commissioner Lythgoe asked Harold to come forward to discuss how this is to be dealt with. Harold said that what Ken suggested – the improvements agreement – could be done; he is not sure how to bond it. Commissioner Lythgoe said that he doesn't know how to bond either. Mr. Trettin would have to amend his covenants and by-laws to include, as well as fixing anything that was disturbed in the construction of his road.

Larry Trettin said that he did hear that Mrs. Tomaski wanted the area fixed. He has already gone in with topsoil and reseeded the disturbed areas.

Jeff Gerth stated that he agreed that the subdivisions will look nice the way that the roads blend in, but when the work was done both of his pins were removed and never put back. He will now have to have the property re-surveyed.

Larry said that he did hear Mr. Gerth's concern regarding the pins, so when Bill Reis surveyed his property, he had Bill find the original pins. They haven't been disturbed. Apparently some kids took the stakes out and played with them, but the original pins are in place and haven't been disturbed. As far as Ken's concerns, he absolutely expects to join the homeowner's association for the maintenance of the roads. At this time, there is no clear definition of what that is. He believes that it states that when all of the lots are sold in both subdivisions, a homeowner's association plan must be developed.

Commissioner Lythgoe stated that it does state that prior to final plat approval that Mr. Trettin will join the homeowner's association. Mike stated that it is actually the maintenance agreement, not the homeowner's association. He said that Mr. Trettin has already established his own association, articles of incorporation and by-laws. Mike said that neither he nor Joe Carter have a document regarding what the road maintenance agreement looks like or will look like. To force Mr. Trettin to agree to something that he hasn't seen or can't dispute isn't within the realm of what they can stick with at final plat. The provisions are in place both on the plat and in his own covenants for road maintenance and weed maintenance, just as they did for the other two. Commissioner Lythgoe said that he is assuming that the maintenance agreement hasn't been developed yet. Mike stated that he hasn't been able to find it. Ken said that this is addressed in the by-laws and covenants; these are on file in the Clerk and Recorder's office.

Commissioner Weber asked Mike that seeing that the road maintenance agreement exists, and seeing that it was conditioned on preliminary plat, how is he uncomfortable with enforcing it at this time. Commissioner Lythgoe asked if these were adopted separately for each subdivision. Ken stated that Microwave Heights and Elkhorn Hills were done together. The Fenske minor was done separately.

Mike stated that he didn't actually trip up with this until he contacted Joe Carter asking for the document. While the mechanism is in place for this to happen, it hasn't happened. He isn't sure how to make it equitable across the board. There is no information about what maintenance will be done.

Commissioner Lythgoe said that Larry has already agreed to do this; we just have to come up with a process by which this can happen. Harold said that there is the intent to do this within all of the subdivisions; they can make an umbrella agreement that will cover all four subdivisions. Ken said that in the by-laws of the other two subdivisions, this is addressed. When the association is formed, they will develop the numbers. There is no way to plug the numbers in at this time.

Larry said that it currently states that he will join maintenance on the road agreement, this is not a problem. His understanding is that it would be negotiated what maintenance will be done. It says that the maintenance agreement will start when all lots are sold; this could be within a year or it could be never.

Commissioner Lythgoe said that he isn't finding where it says that all the lots have to be sold before anything is done. Mike stated that the burden for the weeds and road maintenance is with the owner of each subdivision at this time. Harold probably has the simplest and most effective idea on how to handle this at this time.

Jeff said that all they are asking is help in maintaining the road leading to Trettin's subdivision. Commissioner Lythgoe asked how to get to a point where the Commission can give final plat approval – one way is to strike the line, which they can't do, one way is to have something additional in writing stating that Mr. Trettin will comply with what he has to comply with. Part of the issue is that it states that the developer agrees to join the homeowner's association road maintenance agreement between Microwave Heights and Elkhorn Hills minor subdivisions which contain provisions for maintenance of existing road easements prior to final plat approval. The catch is that it spells out that this will happen prior to final plat approval.

Harold suggested that two-thirds of the people involved are in attendance today; if they are all willing to sign a document that they are willing to start the umbrella process and it can be filed to the Secretary of State.

Commissioner Weber moved to not grant final plat approval to the Trettin minor subdivision. Commissioner Lythgoe seconded for discussion. He asked if they are running up against any time frames. Mike said that he isn't aware of any. Larry said that he doesn't have a problem with what Harold suggested. Commissioner Lythgoe asked if there is a problem with putting this out two weeks. Larry said that he is in the process of applying to the bank to get some bills paid off; he is trying to pay the people who have done the work on the subdivision. He would really like to have

this done as soon as possible.

Mike stated that they may have made statements at preliminary plat that this would happen, but there was no discussion of what will happen if nothing is in place. This could be an issue that they need to get legal counsel on. Commissioner Lythgoe said that Mr. Trettin is just asked to do what he agreed to. Commissioner Weber said that they need Mr. Trettin's signature on a document stating that he will join in the road maintenance. Mike stated that they have that already, on the preliminary plat documents. No other maintenance documents exist for him to sign.

Harold asked if they can do a one-page agreement form and then they work out the rules, whether it be an umbrella agreement or not. The problem that exists is that the existing subdivisions haven't started the process and to throw the burden all on one individual is unfair. Commissioner Lythgoe said that he doesn't feel that they can require the umbrella agreement; all we need is a one-liner that Mr. Trettin can agree to and sign. Harold said that it would be easy to do this.

Mike presented the Commission with a signed agreement that he would participate in the road maintenance agreement. Commissioner Lythgoe called for a vote on the motion on the floor. The motion failed unanimously.

Commissioner Lythgoe moved to grant final plat approval. Commissioner Kirsch seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS MILLIGAN CANYON/BOULDER VALLEY AG DISTRICT ZONING AND HOW IT RELATES TO THE MOUNTAIN STATES TRANSMISSION INTERTIE (MSTI) PROJECT

John Pullman came before the Commission with a letter signed by himself, his wife, his brother and sister-in-law. He said that he would summarize the contents of the letter. They are part of the Milligan Canyon/Boulder Valley Ag District and have been since 1995. When they joined the ag zoning, they had no idea that the mentioned transmission line was anything other than a line running to a neighbor's house; certainly not a huge project that is being proposed. They aren't by any means saying that they don't feel that the line should be built, but they would like the Commission to look at the intentions that they had when they established the vicinity plan. They have seen their property values go down since this has been proposed. They would like the Commission to write a letter to Tom Pancratz and the powers that be at the intertie project. John said that when the ag zoning was instituted, to preserve the historic nature of the valley, it was featured in the *Colorado Cattleman's Association Magazine* and they used it as a model there and in Arizona to set up similar plans. The consequence of how this is handled now could have equally precedence-setting effects on other states, not just Montana. He presented the Commission with the letter, as well as one signed by the Boulder Valley Concerned Citizens that was sent to the DEQ last fall.

Commissioner Weber asked if they as a group have had a chance to discuss the three proposed routes and come to a consensus of the preferred route. John stated that the small number of

people that they knew were in the group that signed the ag zoning seem to prefer the northern route.

Commissioner Weber stated that when this was first proposed he did a little research and the northern route affects the most number of property owners, the middle route affects the zoning – which he has to acknowledge he lives in and signed for at the time - and the south route followed an existing energy corridor and impacted the fewest number of Jefferson County residents. From his perspective as a Commissioner, he said that this was probably the preferable route. They didn't want to impact the most number of people, they didn't want to impact the zoning the aesthetics of the Devil's Fence, and so they preferred the southern route. John stated that they didn't know what the breakdown was; it seemed like the tendency was to use the northern route. It seemed like it used the most public land, on a linear foot basis. Commissioner Weber said that the unfortunate thing about the northern route is that they have created new rules for siting these things. The span between the structures, they need the same distance between the two lines. When you take that distance away from the current line, you get off of public land all of the time and get into subdivisions. He said that the natural tendency on his part was to say, we have zoning and it stands the way that it is. It turns out that the courts have decided otherwise. The government has made the contention that this is for the public good and it is more important than our zoning. He has stood up in meetings and asked them not to impact what we have done, and they can say this more strongly in writing. He is curious how John feels about the three proposals, because that will help drive what they say.

John said that the principle that they were looking at since this is for the public good, it should be mostly on public land. He thinks that there might be variations that they have worked on since then, and he believes that there are although they haven't posted them on the website. He would like to get a clearer idea if option A is really option A or is it "A prime".

Commissioner Weber said that he has gotten a serious sense from them that they don't have "A prime" totally done yet; they are working on all of those questions. Because of that, the Commission hasn't been able to say, specifically, it is going to impact each one of these landowners, because they are still moving them around. John agreed that it is a moving target, which is why they are hoping that the Commission can help convince NorthWestern to give them some focused reasoning.

John said that since the EIS comes out in October, he would like to have the most thought beforehand as they can so they have some sense of what their process is and what they went through. He knows that it raises a lot of emotions everywhere. Commissioner Weber said that he believes that the northern route is to the County's economic benefit, if they were strictly looking at that. John said that the PSC has come out with some pretty strong statements about what could happen to their rates, but it reminds him of when we went through de-regulation – lots of promises, few results.

Commissioner Lythgoe said that part of the issue is that every presentation they have had, has been basically the same. Would think that NorthWestern would have a little better idea of what they want to do, but they don't. He thinks that it is extremely important that we have input now; sooner rather than later.

Commissioner Lythgoe thanked them for their input and said that the Commission will be in touch.

DISCUSS REQUEST FOR SUPPORT OF VETERAN'S HOME IN JEFFERSON COUNTY

Commissioner Kirsch stated that some time ago we had an appointee from Jefferson County to try to establish a veteran's home in Jefferson County. Since then, we have had four or five meetings to discuss how to accomplish this.

Commissioner Lythgoe asked if we have sent a letter forward indicating our support.

Commissioner Kirsch said that we did when we sent a letter regarding the selection of a candidate.

DISCUSS AND DECIDE ON REQUEST FROM BOULDER MOSQUITO DISTRICT FOR ADDITIONAL FUNDS

Commissioner Kirsch stated that when the district was initially established, it was run on about \$21,000 a year. Since then the costs of labor, fuel and chemical have almost doubled. They now find themselves almost \$20,000 short. He would ask that the budget go from \$21,000 to \$41,000 to adequately control the mosquitoes and not get into a West Nile situation.

Commissioner Lythgoe stated that this is a district, so it is up to the residents of the district to vote an increase in funding. In the interim, a grant or a loan could be given to the mosquito district to cover this year. This will have to eventually go before the voter of the district so that more money can be raised.

Commissioner Weber asked if the county should declare war on the mosquitoes and work to annihilate them as a county effort and have the districts work to maintain the eradication. He noted that not enough money is raised within the districts to effectively deal with the problem. Perhaps we should be looking at a county-wide effort to annihilate the mosquito population. He understands that it isn't appropriate to make this decision at this meeting, but it is something that should be addressed.

Commissioner Lythgoe asked if there is any further discussion regarding loaning or granting the Boulder mosquito district additional funds. Commissioner Weber said that if they loan the district the funds, they would basically be committing the next year's budget to repay the loan.

Commissioner Weber moved to grant the Boulder mosquito district \$20,000 from PILT to get them through this season. Commissioner Kirsch seconded. The motion carried.

RESOLUTION 21-2009 RESOLUTION TO IMPLEMENT SOLID WASTE FEES

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 21-2009

RESOLUTION SETTING FEES FOR DISPOSAL OF WOODY WASTE AND TIRES AT JEFFERSON COUNTY SOLID WASTE SITES

BE IT RESOLVED by the Board of County Commissioners (the “Board”) of Jefferson County, Montana (the “County”), as follows:

WHEREAS, MCA § 7-13-231 provides authority for the County Solid Waste District to defray the cost of maintenance and operation of a solid waste management district by authorizing the Solid Waste District Board to establish fees for service with the approval of the Board. An increase in fees may not be approved and implemented unless notice and an opportunity for protest is allowed.

WHEREAS, MCA § 7-13-232 provides authority for the County Solid Waste Board to establish rates for service charges, which may not be less than the actual cost of providing services, and must be approved by the Board.

WHEREAS, the County Solid Waste Board proposed that there be a fee of \$10.00 per cubic yard charge for woody waste deposited at solid waste sites within the County and that there be a fee assessed at \$3.00 for passenger/light truck tires, \$7.00 for semi truck tires, and \$10.00 for tractor and equipment tires as said fees are necessary to cover the costs of disposal of said waste.

WHEREAS, public hearings over the proposed fees for the County Solid Waste District were held on June 23, 2009 in Montana City, June 24, 2009 in Boulder, and June 25, 2009 in Whitehall.

WHEREAS, the Board discussed the proposed fees on July 7, 2009 and again on July 21, 2009 in public meetings and citizens were provided sufficient notice and opportunity for which to submit any protests or discussion related to the proposed fees.

WHEREAS, the Board determined that a fee is only necessary for the cost of hauling woody waste from transfer sites to landfills and that both Boulder and Whitehall have landfills for disposal of woody waste that would not require fees for disposal.

NOW THEREFORE, BE IT RESOLVED, that the tire fees for the County Solid Waste Sites as proposed by the County Solid Waste Board are approved where fees for tires are set as follows: \$3.00 for each passenger/light truck tire, \$7.00 for each semi truck tire, and \$10.00 for each tractor and equipment tire.

BE IT FURTHER RESOLVED, that the woody waste fees for the County Solid Waste transfer sites shall be set at \$10.00 per cubic yard charge of woody waste but that there shall be no fee to Jefferson County residents who haul their own woody waste to the Boulder or Whitehall landfills.

PASSED AND ADOPTED by the Board of County Commissioners of Jefferson County,

Montana, this 4th day of August, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Kirsch moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried, with Commissioner Lythgoe and Commissioner Kirsch voting aye and Commissioner Weber voting nay.

OPPORTUNITY FOR PUBLIC COMMENT

Jim Fried, a Jefferson County resident who lives in Forest Park Estates, said that he would like to comment on the mosquito situation. In his area, they never had a problem with mosquitoes until Wally Hustad was allowed to dig a lake for what was supposed to be a golf course but ended up being a gravel pit. The proposed lake is now five acres of stagnant water that is prime breeding ground for mosquitoes, and his grandchildren are no longer able to play outside when visiting because of the mosquitoes. He mentioned a couple other ponds that have been established in the area. He would recommend that a mosquito district be formed on the north end of the county as well.

The other comment he had is regarding fires. Recently, his neighbor built a large bonfire very close to his house that was putting out a large amount of black smoke. He went over and politely asked them to put out the fire, explaining that his wife had recently had surgery on both of her eyes and they were fighting infection and that he himself is a 125% disabled veteran, with a recent pulmonary stress test that indicated a 45% decrease in function. They refused. He spoke with a Commissioner on July 3rd, who indicated that there was nothing that could be done. His neighbor has told him to stay out of his yard, and that he will build a fire whenever he wants because it isn't against the law.

Has talked to the County Attorney, attorneys from DNRC, and DEQ as well as fire chiefs from Montana City and Clancy in the past five days and they have indicated that it has always been a problem having no regulations regarding fires. There needs to be some fire regulations in the

county so that there is some recourse if a fire becomes a nuisance.

Jim presented the Commission with some examples from across the country of fire regulations that he found in an internet search. Most of them state that fire officials have the right to require that the fire be extinguished if the smoke is bothering the neighbors. He and his wife both have health issues that are exacerbated by smoke. His neighbors refuse to put out fires that are very close to their house.

The fire hazard in the county is extreme. He is asking that the Commission adopt regulations based on the guidelines he found used elsewhere. He can't do anything about it.

Commissioner Weber said that he isn't sure if they have the authority to pass something like this, but they can do some research. He noted that if anyone in Montana has the authority, it would be the DEQ. Jim said that they told him they could come out and inspect the fire pit, but if wood is being burned and they don't use an accelerant, it isn't against the law. He doesn't see why an ordinance can't be adopted. Jim suggested that the Commission contact the fire chiefs for their input.

Commissioner Lythgoe thanked him for his comments.

Commissioner Kirsch moved to adjourn. Commissioner Weber seconded.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

